

ROANOKE CITY COUNCIL-REGULAR SESSION

February 20, 2018

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, February 20, 2018, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Sherman P. Lea, Sr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 40879-070317 adopted by the Council on Monday, July 3, 2017.

PRESENT: Council Members John A. Garland, Anita J. Price, David B. Trinkle, William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Stephanie M. Moon Reynolds, City Clerk.

MOMENT OF SILENCE: Mayor Lea called for a Moment of Silence for the victims and their families due to the tragic killing of 17 students and wounding of 13 at the Marjory Stoneman Douglas High School in Parkland, Florida, on Wednesday, February 14, 2018.

The Invocation was delivered by Mayor Sherman P. Lea, Sr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Lea.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD: Mayor Lea presented the Government Finance Officers Association Distinguished Budget Presentation Award for the Fiscal Year 2018 Budget to Amelia C. Merchant, Director of Finance.

AARP NETWORK OF AGE-FRIENDLY COMMUNITY CERTIFICATION: Mayor Lea recognized and presented the Certification of the City of Roanoke as an AARP Network of Age-Friendly Community to Robert S. Cowell, Jr., City Manager.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

FIRE STATION NO. 7: Mark L. Ferguson, 356 Walnut Avenue, Unit D, S. W., appeared before the Council to express his gratitude to the Council for having an open mind regarding the replacement of the historic Fire Station No. 7 building; and Allison Blanton, 1701 Arlington Road, S. W., President, Roanoke Valley Preservation Foundation, also appeared before the Council to urge them to explore other options to preserve the historic Fire Station No. 7 building.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda are considered to be routine by the Members of Council and will be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item would be removed from the Consent Agenda and considered separately. He called attention to Item C-2, advising that the item would be removed and considered separately inasmuch as Council Member Dykstra has a personal conflict in connection with discussion or consideration of acquisition of interests in real property by the City for public purpose, whether in fee simple, in leasehold, or in other interest.

MINUTES: Minutes of the regular meeting of City Council held on Monday, February 5, 2018, was before the body.

(See Minutes on file in the City Clerk's Office.)

Council Member Ferris moved that the reading of the minutes be dispensed with and approved as recorded. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

ARCHITECTURAL REVIEW BOARD: A communication from the City Clerk advising of the resignation of John Missell as a member of the Architectural Review Board, effective immediately, was before the Council.

(See communication on file in the City Clerk's Office.)

Council Member Ferris moved that the resignation be accepted and the communication be received and filed. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

ACQUISITION OF INTERESTS IN REAL PROPERTY BY THE CITY FOR PUBLIC PURPOSE, WHETHER IN FEE SIMPLE, IN LEASEHOLD, OR IN OTHER INTEREST: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss or consider the acquisition of interests in real property by the City for public purpose, whether in fee simple, in leasehold, or in other interest, where discussion in an open meeting would adversely affect the negotiating strategy of the public body, pursuant to Section 2.2-3711 (A) (3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Council Member Dykstra read into the record the following Conflict of Interest Statement in connection with the abovementioned matter:

"STATEMENT OF CONFLICT OF INTEREST"

I, Michelle L. Dykstra, state that I have a personal interest in the agenda item C-2 of the 2:00 p.m. Session of City Council on February 20, 2018, regarding a communication from the City Manager requesting that Council convene in a Closed Meeting to discuss or consider the acquisition of interests in real property by the City for public purposes, whether in fee simple, in leasehold, or in other interest, because my employer, Boys & Girls Clubs of Southwest Virginia, Inc., has an interest in a lease transaction with Restoration Housing, or its assigns, and members of Restoration Housing hold interests in the entity which holds interest in the real property in which the City may consider acquiring and interest. Therefore, pursuant to Virginia Code Sections 2.2-3112, I must refrain from participation in this matter. I ask that the City Clerk accept this statement and ask that it be made a part of the minutes of this meeting.

Witness the following signature made this 20th day of February, 2018.

S/ Michelle L. Dykstra
Michelle L. Dykstra, Member of Council"

(See Statement of Conflict of Interest on file in the City Clerk's Office.)

Council Member Ferris moved that Council concur in the request of the City Manager as abovementioned. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Ferris and Mayor Lea-6.

NAYS: None-0.

(Council Member Dykstra abstained from voting.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

UNITED STATES CENSUS BUREAU: Ronald E. Brown, U. S. Census Specialist, appeared before the Council to share information with regard to the process for conducting the upcoming 2020 U. S. Census.

(See copy of documents on file in the City Clerk's Office.)

Mr. Brown advised that the U. S. 2020 Census will occur on April 1, 2020 to determine how the population has changed over the last decade; and by the end of 2020, statistics on how the country has changed must be provided to the President by December 31.

He shared certain facts that have impacted the population and the City of Roanoke, noting various numbers dictate how many seats Virginia will have in the United States Congress and how the Federal Government will distribute over \$675 billion annually back into communities for a variety of things, such as education, free lunches, infrastructure or medical care. He further noted that for every person that will not be counted, they represent \$2,000.00 annually that the City will lose and over a 10 year period it equates to approximately \$20,000.00 per person.

He pointed out that the City of Roanoke agreed to be a participant in the local update of census addresses by reviewing the previous address file, provide updates and forward the information to the Census Bureau.

As part of his presentation, Mr. Brown requested that the Council establish a Complete Count Committee Task Force comprised of citizens to plan census activities for the City of Roanoke.

He concluded that at the end of the first quarter in 2021, the Census Bureau will release the census numbers to the Governor and legislators in Virginia for consideration of redistricting, adding during the 2010 census, there were some areas in the City that were difficult to count and perhaps outreach to those individuals emphasizing the importance of returning the census form can ensure the best census outcome possible in 2020.

Following questions and comments by the Council with regard to accurately counting the homeless, and the makeup of the abovementioned task force, Mr. Brown advised that training would be provided upon its creation.

There being no further comments by the Council, Mayor Lea thanked Mr. Brown for the informative briefing and advised that the remarks would be received and filed.

At this point, Council Member Dykstra was out of the Council Chamber (2:45 p.m.)

ASPIRATIONS OF THE LATE TOM M. CAIN: Peter Wonson, Carroll Carter, and John Lewis gave remarks regarding information with regards to the aspirations of the late Tom M. Cain, community advocate, and shared information regarding the seven components of Tom Cain and Carroll Carter's "One Valley" vision.

(See copy of document on file in the City Clerk's Office.)

In response to inquiry about partnerships, Mr. Wonson referenced that Messrs. Cain and Carroll, along with others spent five years building partnerships with local businesses, various non-profits, the City of Roanoke, and Virginia Tech, adding they will continue to seek other connections and partnerships, such as Northwest Neighborhood Environmental Organization (NNEO), Apple Ridge Farm, Healthy Roanoke Valley, certain Virginia Tech departments, Wometco Coca-Cola Bottling Company of Roanoke, Inc., United Way of Roanoke Valley, Roanoke Chapters of the NAACP and SCLC, Lick Run Watershed Association, Carilion Clinic, Roanoke City Public Schools, North Cross School, Roanoke Catholic School, Focus Radio, YMCA Express at Gainsboro, Virginia Foundation for Healthy Youth, New Horizons Healthcare, Western Virginia Workforce Development Board, Roanoke Redevelopment and Housing Authority, Restorations Specialists, and Square One Contracting.

As comments by Messrs. Wonson, Carroll and Lewis concluded, information regarding the George Washington Carver Environmental Education Center was shared, noting that the Center will be the first independent educational entity in northwest Roanoke designed to attract and teach students and adults throughout the Roanoke Valley and to offer additional employment in the community and host programs, speakers, and seminars designed to inspire African-American and other students to follow career paths into "green collar" and environmental work, and fields that are growing rapidly in the United States, but are very under-represented by people of color.

There being no further comments, Mayor Lea noted that all remarks would be received and filed.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS:

Parks and Recreation 2018 Master Plan:

Michael Clark, Director, Parks and Recreation, briefed the Council with regard to the Parks and Recreation 2018 Master Plan Update, noting best practices as a part of the accreditation process. As part of his presentation, the following information was highlighted:

- Purpose
- Roanoke's History of Previous Master Plans
- Process (through January 2019)
 - Facility and Program Analysis
 - Public Input
 - Trends Analysis
 - Strategic Plan Development
 - Summary of Findings and Adoption

(For full text, see copy of presentation on file in the City Clerk's office.)

Council Member Bestpitch thanked Mr. Clark for the update and emphasized work had been done to expand interest in outdoor recreation within the City, as well as on the Virginia's Blue Ridge as a destination for outdoor activities. He called attention to a preliminary presentation held at the Higher Education Center on Thursday, February 15, 2018, whereby the Roanoke Regional Partnership had created a program called Roanoke Outside, with Pete Eshelman, Director of Outdoor Branding, Roanoke Regional Partnership, worked with Green Play LLC to evaluate assets and needs in the Roanoke Valley Region regarding outdoor recreation, adding that the Roanoke Parks and Recreation Department also is part of said Program.

Since the survey recognized the lack of campgrounds and cabin rentals, he has held conversations with the City Manager and others regarding the possibility of terminating the current lease agreement with the National Park Services and perhaps executing a new lease agreement with a private operator to offer a camping option that would be beneficial for not just the City of Roanoke, but the entire Roanoke region.

Council Member Garland inquired of a recent comprehensive study citing duplication of regional athletic and City school programs; whereas Mr. Clark stated that the City will work in tandem with Pete Eshelman, Director of Outdoor Branding, Roanoke Regional Partnership, and other organizations to ensure no duplication of programs occur. Mr. Clark added that the City will cover every facet of youth athletics as well as outdoor recreational pursuits; and he encouraged all to attend and participate in the community stakeholder and focus group meetings regarding the future of parks, trails, recreation facilities, programs, and services during March 2018.

Following ongoing dialogue, the City Manager stated that the Council would be provided updates on the progress of the Parks and Recreation Master Plan.

There being no additional comments by the Council, the Mayor advised that remarks would be received and filed.

Parks and Recreation and Mill Mountain Garden Club – Go Native:

Jane Coulter, Senior Member of Mill Mountain Garden Club, briefed the Council on the Club's partnership with the City of Roanoke and highlighted the following:

- History
- Proposed Project
- Go Native Garden Project

(See copy of presentation on file in the City Clerk's Office.)

Following comments by the Council, Mayor Lea thanked Ms. Coulter for the update and advised that the briefing would be received and filed.

At this point, Council Member Dykstra reentered the meeting (3:38 p.m.),

ITEMS RECOMMENDED FOR ACTION:

FIRE STATION NO. 7 PROJECT: The City Manager submitted a written communication recommending acquisition of real property from Village Green, LLC, in connection with Fire Station No. 7 Project.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#41057-022018) AN ORDINANCE providing for the acquisition of real property rights needed by the City in connection with the proposed Fire Station No. 7 Project ("Project"); authorizing City staff to acquire such property rights by negotiation for the City; authorizing the City Manager to execute appropriate acquisition documents; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 484.)

Council Member Ferris moved the adoption of Ordinance No. 41057-022018. The motion was seconded by Council Member Bestpitch.

The City Manager commented that the current site was inadequate to accommodate the new station and property needed to be secured in proximity to the site; therefore, negotiations needed to begin regardless of design.

Tim Parry, President, Roanoke Firefighters Association, appeared before the Council and advised that 98 percent of the firefighters stationed at Fire Station No. 7 would prefer a new station and expressed concern about the challenges by the City to renovate the Fire Station. He urged the Council to consider the interest of the firefighters that put their lives on the line daily to ensure the safety of the community.

(See copy of written remarks on file in the City Clerk's Office.)

The City Manager provided a recent update with regard to current options and possibilities for the Fire Station No. 7 project, noting that staff reengaged with the selected design firm and architect to provide a cost to evaluate and develop a concept that retained the existing building, while using the same programming and functionality included in the original scope of work.

He further advised that it would take about 17 weeks to fulfill the request and would cost approximately \$51,090.00 for a conceptual design, site evaluation, preparation of a schematic design, estimate of construction cost--taking into account the impact on the construction schedule, and if the alternative could be completed within the existing schedule.

Following extensive dialogue and additional inquiries regarding cost, Mr. Garland retorted that the costs were on target and technically a renegotiated contract with a schematic plan would cost nothing; and added that an additional \$50,000.00 did give him pause, but if the interest to save the existing historic fire station was apparent, private fundraising was an option. Council Member Dykstra noted her reservation as to gambling with \$51,000.00 of taxpayers' money; and Councilman Trinkle said reusing the station would ultimately cost more, and at a time when the City was coping with a tightening budget.

After a comprehensive deliberation of the matter, it was the consensus of the Council for the City Administration to move forward with the current building design and that multiple plans and the Capital Improvement Plan were approved exclusively since the building was to be demolished; and Ordinance No. 41057-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

REVISED FY2018 HUD BUDGET: The City Manager submitted a written communication recommending revision to FY2018 HUD Budget Ordinance.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Bestpitch offered the following budget ordinance:

(#41058-022018) AN ORDINANCE to appropriate and de-appropriate funding from the Department of Housing and Urban Development (HUD) for the Community Development Block Grant Program (CDBG), and HOME Investment Partnerships Program, amending and reordaining certain sections of the 2017 - 2018 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 485.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41058-022018. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION: The City Manager submitted a written communication recommending de-appropriation of Virginia Department of Rail and Public Transportation Intercity Passenger Rail Operating and Capital Program Revenue Funds.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Trinkle offered the following budget ordinance:

(#41059-022018) AN ORDINANCE to de-appropriate funding from the Virginia Department of Rail and Public Transportation for the Passenger Rail Infrastructure project, amending and reordaining certain sections of the 2017 - 2018 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 487.)

Council Member Trinkle moved the adoption of Budget Ordinance No. 41059-022018. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

VIRGINIA DEPARTMENT OF TRANSPORTATION ECONOMIC DEVELOPMENT: The City Manager submitted a written communication recommending acceptance and authorization to execute a Virginia Department of Transportation Economic Development Access Program Grant for extension of Blue Hills Drive, N. E.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Bestpitch offered the following resolution:

(#41060-022018) A RESOLUTION accepting the Virginia Department of Transportation's (VDOT) award to the City in the total amount of \$650,000.00 for the Economic Development Access Program for the extension of Blue Hills Drive, N. E., Roanoke, Virginia, to serve the Deschutes Brewery, Inc. site; authorizing the City Manager to execute a VDOT Standard Project Administration Agreement for State-aid Projects and Appendix A for the New Construction Roadway on Blue Hills Drive, N. E.; and authorizing the City Manager to take certain other actions in connection with the above matters and project.

(For full text of resolution, see Resolution Book No. 79, page 488.)

Council Member Bestpitch moved the adoption of Resolution No. 41060-022018. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

COMMENTS OF THE CITY MANAGER.

The City Manager gave the following comments:

Reimagine Oak Grove

- Roanoke County and the City of Roanoke are developing plans to make it easier for Oak Grove residents and visitors to get to the parks, shops, restaurants, and amenities.
- Citizens will be invited to share ideas to shape the future of this community and help build a walkable and dynamic center in Oak Grove.
- Community Meetings will be held to receive input:
 - Thursday, March 15, from 4:00 p.m. to 7:00 p.m. at Oak Grove Elementary School
 - Saturday, March 24, from 9:00 a.m. to 12:00 p.m. at Oak Grove Elementary School
- Additional community meetings will be held in May, and a survey is available online at roanokecountyva.gov/OakGrove.
- Staff anticipates presenting a redevelopment plan by this fall.

Solid Waste Collection

- City offices were closed on Monday for Presidents' Day. As a result, residential/commercial collection of trash, brush, bulk, and "A" week single-stream recycling during this week will be delayed by one day.

Solid Waste Fee

- Just a reminder - the due date for all Solid Waste Fee payments has been changed from February 15 to March 30, 2018.

Payments can be made:

- in person at the Municipal Building
- by Drop Box located at the Municipal Building
- by mail addressed to Treasurer, City of Roanoke, P.O. Box 1451, Roanoke, VA 24007
- by phone using a Credit/Debit Card at 1-800-272-9829 (Jurisdiction Code 1006) or
- by E-check or Credit Card online at roanokeva.gov/payments

Youth Voices of the Roanoke Valley Will Host Two Events

- Saturday, February 24
- Roanoke College
9:00 a.m. to 2:30 p.m.
The event is titled "Speak Up." This is an opportunity for high school students to talk about difficult issues they are facing today.
Topics will include diversity, inclusion, and equity in our community.

- Saturday, March 3, 2018
Lucy Addison Middle School
Noon to 3:00 p.m.

The event is titled "So You Want to be a Millionaire, Get Started Now!" Discussion will focus on job readiness for our youth.

More information about these events is available on Facebook; search "Roanoke Youth Services."

REPORTS OF COMMITTEES:

EDUCATIONAL PROGRAMS: The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational programs; and the City Manager submitted a written report recommending that Council concur in the request.

(For full text, see reports on file in the City Clerk's Office.)

Council Member Ferris offered the following budget ordinance:

(#41061-022018) AN ORDINANCE to appropriate funding from the Commonwealth and Federal grants for various educational programs, amending and reordaining certain sections of the 2017 - 2018 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 489.)

Council Member Trinkle moved the adoption of Budget Ordinance No. 41061-022018. The motion was seconded by Council Member Trinkle.

Dr. Rita D. Bishop, Superintendent of Roanoke City Public Schools, appeared before the Council and shared vital information regarding school safety measures and certain protocols that were in place in the event of school violence.

During her remarks, Dr. Bishop mentioned creating a new administrative position a chief of security – and funding the position with savings in the budget. She stressed the need for four additional Sheriff Deputies to work in the elementary schools, adding that currently four deputies oversee 17 elementary schools.

In response to an inquiry of Council Member Ferris as to what assistance the Council could offer, Dr. Bishop replied she needed \$242,000.00 to pay for abovementioned four additional Sheriff Deputies.

There being no further inquiries and/or comments by the Council, Budget Ordinance No. 41061-022018 was adopted by the following vote:

AYES: Council Members Ferris, Garland, Price, Trinkle, Bestpitch, Dykstra and Mayor Lea-7.

NAYS: None-0.

UNFINISHED BUSINESS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS: NONE.

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

YOUTH-SCHOOL SAFETY-ROANOKE CITY GIRLS AND BOYS HIGH SCHOOL BASKETBALL TEAMS-LENTEN SERIES:

In connection with comments regarding school safety, attention was called to the following two Youth Voices of the Roanoke Valley events:

"Speak Up" on Saturday, February 24 at Roanoke College, Colket Center, Wortman Ballroom

"So You Want to be a Millionaire, Get Started Now!" on Saturday, March 3 at Addison Middle School.

Prepared statements were read by Mayor Lea and Council Member Garland in connection with the shooting in Parkland, Florida at the Majory Stoneman Douglas High School on Wednesday, February 14, 2018.

(See copies of the documents on file in the City Clerk's Office.)

Regarding remarks by the School Superintendent, the City Manager was asked to find funds in the FY2018-2019 budget or immediately for four additional Sheriff Deputies to be located in the City Schools.

Congratulations expressed to the Roanoke City girls and boys high school basketball teams on their recent wins, noting that the teams will play in the Quarter Finals on Wednesday, February 23 as follows:

William Fleming Boys at Albemarle
 Patrick Henry Boys at Harrisonburg
 William Fleming Girls at Home
 Patrick Henry Girls at Home

Members of Council were encouraged to support the high school basketball teams.

Special Lenten Series to be hosted by First Baptist Church – Gainsboro and Greene Memorial United Methodist Church called “From Confession to Communication.” To be held in the Fellowship Hall of First Baptist Church and will begin on Wednesday, February 21 and conclude on Wednesday, March 28. The Church will serve soup and sandwiches at 6:00 p.m., followed by teaching, tools, and tough questions at 6:30 p.m., and conversation, conclusions and connections at 7:30 p.m.

VACANCIES ON CERTAIN AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES APPOINTED BY COUNCIL: NONE.

At 5:26 p.m., the Mayor declared the Council Meeting in recess until 7:00 p. m.

At 7:00 p.m., the Council meeting reconvened in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, with Mayor Sherman P. Lea, Sr., presiding.

PRESENT: Council Members John A. Garland, Anita J. Price, David B. Trinkle, William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by The Reverend Vannie L. Harrell, Pastor, Church Alive International.

MOMENT OF SILENCE: Mayor Lea called for a Moment of Silence for the victims and their families due to the tragic killing of 17 students and wounding of 13 at the Marjory Stoneman Douglas High School in Parkland, Florida on Wednesday, February 14, 2018.

The Pledge of Allegiance to the Flag of the United States of America was led by Boy Scout Troop No. 17 of St. John's Episcopal Church.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Ferris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ROANOKE PREVENTION ALLIANCE YOUTH LEADERSHIP: Members of the Roanoke Prevention Alliance Youth Leadership appeared before the Council to share a presentation focusing on Young People Making Things Happen.

(See copy of presentation on file in the City Clerk's Office.)

Following presentation and comments by the Council, the Mayor expressed appreciation to the youth and noted that all comments would be received and filed.

CUB SCOUT PACK NO. 7: The Mayor recognized Cub Scout Pack No. 7 of Our Lady of the Valley.

PUBLIC HEARINGS:

REZONING AT 745 TOWNSIDE ROAD, S. W.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Chris Benson to amend the conditions proffered as part of a previous rezoning at 745 Townside Road, S. W., bearing Official Tax Map No. 5490307, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, January 30, 2018; and Tuesday, February 6, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Amended Application No. 1, as amended at the hearing and subsequently submitted as Amended Application No. 2, is consistent with the City's Comprehensive Plan, *Franklin Road/ Colonial Avenue Plan*, and Zoning Ordinance, as the amendment to conditions would allow a use that could be appropriate to the surrounding area to be pursued as a special exception by the applicant.

(For full text, see report on file in the City Clerk's Office.)

Council Member Trinkle offered the following ordinance:

(#41062-022018) AN ORDINANCE to amend conditions presently binding upon property located at 745 Townside Road, S. W., conditionally zoned CG, Commercial-General District; and dispensing with the second reading of this ordinance by title.

(For full text, see Ordinance Book No. 79, page 490.)

Council Member Trinkle moved the adoption of Ordinance No. 41062-022018. The motion was seconded by Council Member Ferris.

Chris Benson appeared in support of the amendment to proffers on the property located at 745 Townside Road, S. W.

The Mayor inquired if there were persons present who wished to speak on the matter.

Gilbert E. Butler, Jr., appeared before the Council representing two apartment communities adjacent to 745 Townside Road, S. W., in opposition of the proposed rezoning request. Mr. Butler expressed concern regarding an increase in the noise level caused by excessive barking from numerous dogs running outside on the exterior.

Mr. Benson clarified that the dogs would not be out of the kennel prior to 10:00 a.m. and would return inside by 5:30 p.m. He explained that the facility was not pens and runs; that all dogs were housed inside the facility and added the reason for providing yards was to exercise a few animals at a time for agility and dog training which would require approximately four or five employees.

The City Attorney explained the request was to amend the proffers, and if amended and the ordinance was adopted, Mr. Benson could seek a special exception from the Board of Zoning Appeals, who could impose conditions that would affect the operation at the property and running of the land. Mr. Callaghan continued to say that if the ordinance was adopted, Mr. Benson cannot have his dogs outside until he goes before the Board of Zoning Appeals, which requires a public hearing; whereby, citizens could come and impose conditions as to the number of dogs allowed outside or deny the request.

As discussion ensued regarding the matter, Mr. Callaghan pointed out that the Council did not review decisions of the Board of Zoning Appeals; and it would be premature to set forth proffers, but if the proposed ordinance passes, Mr. Benson would have the pleasure to appear before the Board of Zoning Appeals to discuss the issues and Mr. Shaw could inform the Board of Zoning Appeals of those concerns expressed by Mr. Butler.

There being no further speakers, the Mayor declared the public hearing closed.

There being no additional comments and/or inquiries by the Council Members, Ordinance No. 41062-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Ferris and Mayor Lea-5.

NAYS: Council Members Trinkle and Dykstra-2.

REZONING OF PROPERTIES AT THE WESTERN PORTION OF 752 31ST STREET, N.W., 744 31ST STREET, N.W., 742 31st Street, N.W. and 736 31st Street, N.W.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of F.V. Cemetery Company, Inc., to rezone the following properties: the western portion of 752 31st Street, N.W., that extends 200' in an easterly direction from its boundary with Fairview cemetery; 744 31st Street, N.W.; 742 31st Street, N.W.; and 736 31st Street, N.W.; bearing Official Tax Map Nos. 2530107, 2530123, 2530113, and 2530122, respectively, from RM-1, Residential Mixed Density District, to ROS, Recreation and Open Space District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, January 30, 2018; and Tuesday, February 6, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Amended Application No. 1, is consistent with the City's Comprehensive Plan, *Peters Creek South Neighborhood Plan*, and Zoning Ordinance as existing cemetery property will be able to continue to be used in the manner appropriate to the surrounding neighborhood.

(For full text, see report on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#41063-022018) AN ORDINANCE to rezone a portion of 752 31st Street, N. W., and the entirety of the properties located at 744 31st Street, N. W., 742 31st Street, N. W., and 736 31st Street, N. W., from RM-1, Residential Mixed Density District, to ROS, Recreation and Open Space District; and dispensing with the second reading of this ordinance by title.

(For full text, see Ordinance Book No. 79, page 492.)

Dennis R. Cronk, Vice-President/Secretary, Poe & Cronk Real Estate Group, appeared in support of the rezoning.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41063-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

REPEALING AND REPLACING CONDITIONS PROFFERED AS PART OF A PREVIOUS REZONING AT 1919 10TH ST., N.W.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of SWW Investments Co., LLC, to repeal and replace conditions proffered as part of a previous rezoning at 1919 10th St., N. W., bearing Official Tax No. 2060534, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, January 30, 2018; and Tuesday, February 6, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Amended Application No. 3 is consistent with the City's Comprehensive Plan, *Harrison/Washington Park Neighborhood Plan*, and Zoning Ordinance as a vacant property will be able to be used in a manner appropriate to the surrounding neighborhood.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41064-022018) AN ORDINANCE to repeal Ordinance No. 39865-021814, adopted February 18, 2014, to the extent that it placed certain conditions on property located on 1919 10th Street, N. W., bearing Official Tax Map No. 2060534, and placing new proffers on the subject property; and dispensing with the second reading of this ordinance by title.

(For full text, see Ordinance Book No. 79, page 493.)

Council Member Bestpitch moved the adoption of Ordinance No. 41064-022018. The motion was seconded by Council Member Ferris.

Ben Crew, Balzer & Associates, Inc., appeared in support of the repealing and replacing certain proffers on the property located at 1919 10th Street.

The Mayor inquired if there were persons present who wished to speak on the matter.

Leon Saunders, 428 Mountain Drive, N. W., appeared before the Council to inquire about the extent of the proffers being requested.

Mr. Crew explained that the new proffers would allow for a gas station, beauty shop, and/or convenience store.

There being no further speakers, the Mayor declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41064-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Ferris and Mayor Lea-6.

NAYS: Council Member Dykstra-1.

LEASING A PORTION OF CITY-OWNED PROPERTY LOCATED AT 0 MORGAN AVENUE, S. E., COMMONLY KNOWN AS "MORINGSIDE PARK": Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard on the proposal of the City of Roanoke to request to lease a portion of City-owned property located at 0 Morgan Avenue, N. W., commonly known as "Moringside Park" to Roanoke Community Garden Association, Incorporated, for a term of five years, commencing March 1, 2018, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, February 12, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending execution of a lease agreement with the Roanoke Community Garden Association, Incorporated, for a five year period, commencing March 1, 2018 and expiring February 28, 2023, subject to approval as to form by the City Attorney.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41065-022018) AN ORDINANCE authorizing the City Manager to execute a lease agreement with Roanoke Community Garden Association, Incorporated, for the lease of approximately 6,000 square feet of City-owned property, being a portion of City-owned property located at 0 Morgan Avenue, N. E., Roanoke, Virginia, designated as Official Tax Map No. 4240102, commonly known as "Morningside Park" ("Property"); and dispensing with the second reading of this ordinance by title.

(For full text, see Ordinance Book No. 79, page 495.)

Council Member Bestpitch moved the adoption of Ordinance No. 41065-022018. The motion was seconded by Council Member Ferris.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

Following comments by Council Members Bestpitch and Dykstra, Ordinance No. 41065-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

At this point, Council Member Trinkle left the Council Chamber (7:53 p.m.).

LEASING A PORTION OF CITY-OWNED PROPERTY LOCATED AT 0 MORGAN AVENUE, S. E., COMMONLY KNOWN AS "MORINGSIDE PARK": Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard on the proposal of the City of Roanoke to lease an approximate 60' x 60' Plot of land located at Morningside Park along Morgan Avenue, N. W., and being a Portion of Tax Map Number 240102 to Carilion Clinic to use for an Urban Farm property located at 0 Morgan Avenue, N. W., commonly known as "Morningside Park" to Carilion Clinic, for a term of five years, commencing March 1, 2018, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, February 12, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending execution of a lease agreement with Carilion Clinic, for a five year period commencing March 1, 2018 and expiring February 28, 2023, subject to approval as to form by the City Attorney.

(For full text, see copy of report on file in the City Clerk's Office.)

Mayor Lea pointed out that at the February 5 Council Meeting, Council Member Trinkle had noted a personal conflict of interest and had read into the record a Statement of Conflict of Interest, which is on file in the City Clerk's Office.

Council Member Bestpitch offered the following ordinance:

(#41066-022018) AN ORDINANCE authorizing the City Manager to execute a lease agreement with Carilion Clinic, for the lease of approximately 3,600 square feet of City-owned property, being a portion of City-owned property located at 0 Morgan Avenue, N. W., Roanoke, Virginia, designated as Official Tax Map No. 4240102, commonly known as "Morningside Park" ("Property"); and dispensing with the second reading of this ordinance by title.

(For full text, see Ordinance Book No. 79, page 496.)

Council Member Bestpitch moved the adoption of Ordinance No. 41066-022018. The motion was seconded by Council Member Ferris.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

Council Member Bestpitch called attention to a discrepancy in the abovementioned measure, noting the correct address should have been 0 Morgan Avenue, S. E., instead of 0 Morgan Avenue, N. W.

Council Member Bestpitch moved that the abovementioned measure be amended to reflect S. E., instead of N. W. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

(Council Member Trinkle was not present when the vote was recorded.)

Council Member Bestpitch moved the adoption of Ordinance No. 41066-022018, as amended. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

(Council Member Trinkle was not present when the vote was recorded.)

At this point, Council Member Trinkle re-entered the meeting (8:00 p.m.)

Inasmuch as the same discrepancy had occurred with regard to the location of the property as set forth in Ordinance No. 41065-022018, Council Member Bestpitch moved that Ordinance No. 41065-022018 be reconsidered. The motion was seconded by Council Member Ferris and unanimously adopted.

Council Member Bestpitch moved that Ordinance No. 41065-022018 be amended to reflect S. E., instead of N. W. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Bestpitch moved the adoption of Ordinance No. 41065-022018, as amended. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

LEASING A PORTION OF CITY-OWNED PROPERTY APPROXIMATELY 0.3664 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF 13TH STREET AND CLEVELAND AVENUE, S. W.: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to lease a portion of City-owned property approximately 0.3664 acres of land located at the northeast corner of 13th Street and Cleveland Avenue, S. W., designated as Official Tax Map No. 1220803, to Roanoke Community Garden Association, Incorporated, for a term of five years, commencing March 1, 2018, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, February 12, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending execution of a lease agreement with the Roanoke Community Garden Association, Incorporated, for a five year period, commencing March 1, 2018 and expiring February 28, 2023, subject to approval as to form by the City Attorney.

(For full text, see copy of report on file in the City Clerk's Office.)

Council Member Trinkle offered the following ordinance:

(#41067-022018) AN ORDINANCE authorizing the City Manager to execute a lease agreement with Roanoke Community Garden Association, Incorporated, for the lease of approximately 0.3664 acres of City-owned property located at the northeast corner of 13th Street, S.W. and Cleveland Avenue, S. W., Roanoke, Virginia, designated as Official Tax Map No. 1220803; and dispensing with the second reading of this ordinance by title.

Council Member Trinkle moved the adoption of Ordinance No. 41067-022018. The motion was seconded by Vice-Mayor Price.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

Following comment by Council Member Dykstra, Ordinance No. 41067-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

GRANTING A PERMANENT SANITARY SEWER EASEMENT AND TWO TEMPORARY CONSTRUCTION EASEMENTS ACROSS CITY-OWNED PROPERTY LOCATED ALONG KENWOOD BOULEVARD, S. E.: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, February 20, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to grant a permanent sanitary sewer easement and two temporary construction easements across City-owned property located along Kenwood Boulevard, S. E., to the Western Virginia Water Authority, in order to replace an existing sanitary sewer line, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, February 12, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending execution of a Deed of Easement to the Western Virginia Water Authority, subject to approval as to form by the City Attorney.

(For full text, see copy of report on file in the City Clerk's Office.)

Council Member Trinkle offered the following ordinance:

(#41068-022018) AN ORDINANCE authorizing the conveyance of a permanent sanitary sewer easement, with an approximate width of 20 feet, and two (2) temporary construction easements, with approximate widths of 5 feet each, across City-owned property identified as Official Tax Map No. 4321029, located along Kenwood Boulevard, S. E., Roanoke, Virginia ("Property"), to the Western Virginia Water Authority ("Authority"), upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text, see Ordinance Book No. 79, page 498.)

Council Member Bestpitch moved the adoption of Ordinance No. 41068-022018. The motion was seconded by Council Member Ferris.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41068-022018 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.


HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

There being no further business, Mayor Lea declared the regular meeting adjourned at 8:05 p.m.

APPROVED

ATTEST:


Stephanie M. Moon Reynolds, MMC
City Clerk


Sherman P. Lea, Sr.
Mayor
